

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
NORTHERN DIVISION

DANIEL ROUSTER, as personal representative  
of the Estate of Jerry Rouster,

Plaintiff,

v.

Case Number 11-10986-BC  
Honorable Thomas L. Ludington

COUNTY OF SAGINAW, SHIFT COMMANDER  
ALVIN RIMMER, OFFICER MICHAEL  
VANHORN, OFFICER VICTOR GOMEZ,  
OFFICER SHONTELL O'NEAL-JOHNSON,  
SECURE CARE, INC., JOSEPH NATOLE, MD,  
JOSEPH NATOLE JR., MD, PC, CATHLEEN  
CONLEY, RMA, STELLA MENCHACA, LPN,  
and DEBRA MARRS, LPN,

Defendants.

**ORDER DENY PLAINTIFF'S "EMERGENCY MOTION TO APPOINT COUNSEL"**  
**AND CANCELING HEARING**

On April 1, 2011, Plaintiff Daniel Rouster, as personal representative of the Estate of Jerry Rouster, filed a complaint alleging that the Defendants' actions contributed to the death of Plaintiff's decedent in violation of 42 U.S.C. § 1983, the Fourteenth Amendment, and Michigan law. Plaintiff filed an amended complaint on April 1, 2011, adding a fifth claim for negligence under Michigan law. Plaintiff's complaint was signed by Mr. Ven Johnson, a Michigan attorney practicing at Fieger, Fieger, Kenney, Johnson & Giroux PC in Southfield, Michigan.

On June 3, 2011, Mr. Johnson filed a motion titled "emergency motion to appoint counsel." The motion indicated that Mr. Johnson had left his employment at the Fieger firm, and begun his own firm, Ven Johnson PLC, also in Southfield. Mr. Johnson requested that the Court terminate Geoffrey Fieger and Robert Giroux, both attorneys at the Fieger firm, who entered appearances on

behalf of Plaintiff on May 17, 2011, a few days after Mr. Johnson left the Fieger firm. Mr. Johnson also attached a May 19, 2011 letter from Daniel Rouster, his client, indicating that Mr. Rouster had terminated his arrangement with the Fieger firm and that he wished to be represented by Mr. Johnson [Dkt. # 23-A]. The letter referenced Mr. Rouster's acknowledgment that the "Fieger Firm will have a lien on the costs incurred to date as well as a portion of the attorney fee." Mr. Rouster asked Mr. Fieger to "negotiate the attorney fee portion with Mr. Johnson." Mr. Johnson also attached a contract for legal representation dated May 19, 2011 and signed by Daniel Rouster and Ven Johnson on behalf of Ven Johnson PLC [Dkt. # 23-B]. On June 9, 2011, James Harrington, who is not an attorney of record in this case, filed a response on behalf of Mr. Fieger and Mr. Giroux, indicating that on June 8, 2011 Daniel Rouster withdrew his May 19, 2011 termination letter to the Fieger firm [Dkt. # 26-1]. Mr. Harrington cited a Michigan Court Rule for the proposition that the "Fieger Firm remains counsel of record."

After reviewing the record, it appears that Mr. Johnson remains an attorney of record. Fed. R. Civ. P. 11(a).

Accordingly, it is **ORDERED** that the "emergency motion to appoint counsel" [Dkt. # 23] is **DENIED** as moot.

It is further **ORDERED** that the hearing scheduled for July 13, 2011 is canceled based on the Court's determination that the parties' papers presented the necessary information to resolve the motion. E.D. Mich. L.R. 7.1(f).

s/Thomas L. Ludington  
THOMAS L. LUDINGTON  
United States District Judge

Dated: July 6, 2011

**PROOF OF SERVICE**

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on July 6, 2011.

s/Tracy A. Jacobs  
TRACY A. JACOBS